

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

LENT CHRISTOPHER CARR, II
DELTARINA V. CARR
Debtor(s)

Case No. 18-80386

Chapter 13

**RESPONSE TO TRUSTEE'S MOTION TO DISMISS CASE FOR FAILURE TO MAKE
PLAN PAYMENTS**

NOW COME the Debtors, by and through their undersigned attorney, and respond in opposition to the Trustee's Motion to Dismiss Case for Failure to Make Plan Payments, as filed on January 23, 2019 as docket #64. In support thereof, the Debtors show as follows:

1. The Debtors mailed a check numbered 4024 drawn on a State Employees' Credit Union account ending in 6019 in the amount of \$1,300.00 on or around January 2, 2019.
2. The check has never been presented to the credit union, and would appear to have been lost or misdirected in the mail.
3. The Debtors will personally deliver a replacement payment.

WHEREFORE, the Debtors respectfully request that the Court:

1. Deny the Trustee's Motion to Dismiss Case for Failure to Make Plan Payments; and
2. Grant such other relief as the Court deems just and proper.

THIS the 28th day of January, 2019

/s/ Erich M. Fabricius

Erich M. Fabricius
Attorney for the Debtors
NC State Bar # 39667

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the Response to Trustee's Motion to Dismiss Case for Failure to Make Plan Payments and Notice of Hearing. Hearing scheduled 3/14/2019 at 10:00 AM at Courtroom, Durham by depositing a copy of the same in the U.S. Mail, postage prepaid, properly addressed as shown, unless another method is indicated:

Richard M. Huston
Chapter 13 Trustee
(electronic notice via CM/ECF)

THIS the 28th day of January, 2019

/s/ Erich M. Fabricius
Erich M. Fabricius
Attorney for the Debtors